

REMARKS

In the Office Action mailed November 27, 2006, the Examiner acknowledged the election of Group II and the species of compound 8 upon which Claims 24-30 and 43 read. As such, Claims 31-42, 44-56, and 61-90 are withdrawn, and Claims 1-23 and 57-60 are canceled. The Examiner rejected Claim 24-30 and 43 for double-patenting, rejected Claim 43 under 35 U.S.C. §112(1) for lacking enablement, and rejected Claims 24-30 and 43 under 35 U.S.C. §112(2) for indefiniteness. Each rejection is addressed below.

I. Rejection of Claim 43 under 35 U.S.C. §101 for Provisional Double Patenting

The Examiner stated, "Claim 43 is provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of claim 41 of copending Application No. 11/099,885. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented." Office Action, page 4.

In order to expedite prosecution while not acquiescing to the Examiner's arguments, the Applicant now cancels Claim 43, rendering this rejection moot.

II. Rejection of Claims 23-30 for Non-Statutory Obviousness-Type Double Patenting

The Examiner stated, "Claims 24-30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 22-28 of copending Application No. 11/099,885." Office Action, page 5.

The Applicants respectfully disagree. However, in order to expedite prosecution while not acquiescing with the Examiner's arguments, the Applicant now submits a Terminal Disclaimer over U.S. Patent Application Serial No. 11/099,085.

III. Rejection of Claim 43 under 35 U.S.C. §112(1) - Enablement

This rejection is rendered moot by the canceling of Claim 43.

IV. Rejection of Claims 24-30 and 43 under 35 U.S.C. §112(2) - Indefiniteness


The Examiner stated, "In claims 24 and 43, 'A method for inhibiting inflammation' should be changed to 'A method for treating inflammation' (page 51, paragraph [0121] of the instant specification." Office Action, page 11. The Applicant now amends Claim 24 in the manner suggested by the Examiner. The canceling of Claim 43 renders its rejection moot.

The Examiner stated, "In claim 26, it is not clear what 'lower mammal means.'" Office Action, page 11. The Applicant respectfully disagrees. However, in order to expedite prosecution while not acquiescing with the Examiner's arguments, the Applicant amends Claim 26 such that "lower mammal" is replaced with "non-human mammal." The Applicant reserves the right to prosecute Claim 24 or similar claims at a later time.

V. Conclusion

The Applicant believes the arguments set forth above traverse the Examiner's objections and rejections and therefore request these alleged grounds for objection and rejection be withdrawn. Should the Examiner believe a telephone interview would aid in the prosecution of this application, the Applicant encourages the Examiner to call the undersigned collect.

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